

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/799,292	LEE ET AL.
	Examiner Asok K. Sarkar	Art Unit 2891

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to RCE filed 4/5/2007.
2.  The allowed claim(s) is/are 16-29,31 and 33-37.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 5, 2007 has been entered.

### ***Response to Arguments***

2. Applicant's explanation of the instant invention in pointing the difference with the cited prior art was found to be persuasive.

## **EXAMINER'S AMENDMENT**

3. In view of allowable subject matter, the Applicant's representative was contacted to place the claim in allowable form.

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven M. Mills on June 21, 2007.

The application has been amended as follows:

In claim 37, line 13, following the word "electrode", - - is formed of a single conductive layer including a first portion formed over the via – level intermetal dielectric and a second portion which - - was inserted.

***Allowable Subject Matter***

5. Claims 16 – 29, 31 and 33 – 37 are now allowed.

6. The following is an examiner's statement of reasons for allowance:

Claims 16 – 29, 31 and 33 recite, *inter alia*, metal – insulator – metal capacitor, the structure comprising a line trench extending substantially completely through the trench – level intermetal dielectric to contact the via – level intermetal dielectric, a via extending through the via – level intennetal dielectric without extending through the trench – level intennetal dielectric and a metal – insulator – metal capacitor formed between the via – level intermetal dielectric and the trench – level intermetal dielectric to include a lower electrode, a dielectric layer, and an upper electrode. The art of record does not disclose or anticipate the above limitation in combination with other claim elements nor would it be obvious to modify the art of record so as to form a device including the above limitation.

Claims 34 – 36 recite, *inter alia*, a dual damascene interconnection structure with a metal – insulator – metal capacitor, the structure comprising a via – level intermetal dielectric and a trench – level intermetal dielectric and a metal – insulator – metal capacitor formed between the via – level intermetal dielectric and the trench – level intermetal dielectric and an alignment key formed only in the via – level intemaetal dielectric so as to have the step difference to align the metal – insulator – metal

capacitor. The art of record does not disclose or anticipate the above limitation in combination with other claim elements nor would it be obvious to modify the art of record so as to form a device including the above limitation.

Claim 37 recites, *inter alia*, a dual damascene interconnection structure with a metal – insulator – metal capacitor, the structure comprising a via – level intermetal dielectric and a trench – level intermetal dielectric and a metal – insulator – metal capacitor formed between the via – level intermetal dielectric and the trench – level intermetal dielectric to include a lower electrode, a dielectric layer, and an upper electrode wherein the lower electrode is formed of a single conductive layer including a first portion formed on the via – level intermetal dielectric and a second portion that extends through the via – level intermetal dielectric and is directly connected to the first lower metal interconnection. The art of record does not disclose or anticipate the above limitation in combination with other claim elements nor would it be obvious to modify the art of record so as to form a device including the above limitation.

### ***Conclusion***

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asok K. Sarkar whose telephone number is 571 272 1970. The examiner can normally be reached on Monday - Friday (8 AM- 5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William B. Baumeister can be reached on 571 272 1722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Asok K. Sarkar*

Asok K. Sarkar  
June 22, 2007

Primary Examiner